

**A SUBSTITUTE ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR, PURCHASE AND DEVELOP, APPROXIMATELY 4.86 ACRES OF PROPERTY LOCATED AT 4055 ROSWELL ROAD, N.W., ATLANTA, GEORGIA ("BLUE HERON EXPANSION 4055 ROSWELL ROAD PROPERTY"), FROM THE CONSERVATION FUND ("TCF"), IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES, DEMOLITION AND DEVELOPMENT COSTS SHALL BE PAID FROM THE GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) Y63F060392BG (CITY WIDE GREENWAY TRAIL PROJECTS); AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00); ENTER INTO A NEW MOU OR AMEND THE EXISTING MOU WITH THE BLUE HERON NATURE PRESERVE; AND FOR OTHER PURPOSES.

WHEREAS, The Conservation Fund ("TCF") has acquired approximately 4.86 acres of property, located at 4055 Roswell Road, NW, Atlanta, Georgia, Parcel Identification Number 17-0096-LL-032 ("the Blue Heron Expansion 4055 Roswell Road Property") for the purpose of expanding the Blue Heron Nature Preserve (See Exhibit "A"); and

WHEREAS, TCF has agreed to sell the Blue Heron Expansion 4055 Roswell Road Property to the City subject to the appropriate City approval processes at a price not to exceed Fair Market Value; and

WHEREAS, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

WHEREAS, the Blue Heron Nature Preserve non-profit organization ("BHNP") has agreed to maintain the Blue Heron Nature Preserve Property at no cost to the City and will enter into a new Memorandum of Understanding (MOU) or amend the existing MOU with the City for the maintenance of the property; and

SECTION 5: The City's Purchase Price plus the City's Due Diligence, Purchase Services and Development Costs shall be paid from 1C28 (General Government Capital Outlay Fund) 571001 (Land) Y63F060392BG (City Wide Greenway Trail Project) in an amount not to exceed three million seven hundred fifty thousand dollars (\$3,750,000.00).

SECTION 6: The City is authorized to enter into a new MOU with BHNP or amend the existing MOU with BHNP for the maintenance of the property, and to negotiate and enter into a Lease Agreement with the Tenant in accordance with the terms and conditions as set forth in the attached Exhibit "B".

SECTION 7: Revenue received from the lease agreement will be deposited into Fund, Account, and Center number: 1C53 (2005A Park Improvement Bond Fund) 462201 (Building Rentals, General) N12D11B69999 (Ground and Site Improvement City Wide).

SECTION 8: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs is hereby charged with all responsibility for the Property.

SECTION 9: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 10: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 11: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 12: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 13: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney.

SECTION 14: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Parks, Recreation, and Cultural Affairs

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: August 24, 2007

Anticipated Committee Meeting Date(s): September 12 & 26

Anticipated Full Council Date: October 1, 2007

Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR, PURCHASE AND DEVELOP, APPROXIMATELY 4.86 ACRES OF PROPERTY LOCATED AT 4055 ROSWELL ROAD, N.W., ATLANTA, GEORGIA ("BLUE HERON EXPANSION 4055 ROSWELL ROAD PROPERTY"), FROM THE CONSERVATION FUND ("TCF"), IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES, DEMOLITION AND DEVELOPMENT COSTS SHALL BE PAID FROM THE GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) Y63F060392BG (CITY WIDE GREENWAY TRAIL PROJECTS); AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00); AMENDING THE MOU WITH THE BLUE HERON NATURE PRESERVE; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)

**AN ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR, PURCHASE AND DEVELOP, APPROXIMATELY 4.86 ACRES OF PROPERTY LOCATED AT 4055 ROSWELL ROAD, N.W., ATLANTA, GEORGIA ("BLUE HERON EXPANSION 4055 ROSWELL ROAD PROPERTY"), FROM THE CONSERVATION FUND ("TCF"), IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES, DEMOLITION AND DEVELOPMENT COSTS SHALL BE PAID FROM THE GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) Y63F060392BG (CITY WIDE GREENWAY TRAIL PROJECTS); AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00); AMENDING THE MOU WITH THE BLUE HERON NATURE PRESERVE; AND FOR OTHER PURPOSES.

WHEREAS, The Conservation Fund ("TCF") has acquired approximately 4.86 acres of property, located at 4055 Roswell Road, NW, Atlanta, Georgia, Parcel Identification Number 17-0096-LL-032 ("the Blue Heron Expansion 4055 Roswell Road Property") for the purpose of expanding the Blue Heron Nature Preserve (See Exhibit "A"); and

WHEREAS, TCF has agreed to sell the Blue Heron Expansion 4055 Roswell Road Property to the City subject to the appropriate City approval processes at a price not to exceed Fair Market Value; and

WHEREAS, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

WHEREAS, the Blue Heron Nature Preserve non-profit organization ("BHNP") has agreed to maintain the Blue Heron Nature Preserve Property at no cost to the City and will enter into a Memorandum of Understanding (MOU) with the City for the maintenance of the property; and

WHEREAS, purchasing the Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with The Conservation Fund to purchase approximately 4.86 acres of real property located at 4055 Roswell Road, NW, Atlanta, Georgia, Parcel Identification Number 17-0096-LL-032 (“the Blue Heron Expansion 4055 Roswell Road Property”).

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, demolition and development, cleanup, closing costs and other costs of acquisition and development (“The City’s Due Diligence, Purchase Services and Development Costs”).

SECTION 3: The 2007 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

1C28
792001
T31X04109991

General Government Capital Outlay Fund
Reserve Development Recoupment Fees
Administrative Development Recoupment
Fees

\$3,750,000

TRANSFER TO APPROPRIATIONS

1C28
771001
Y63F060392BG

General Government Capital Outlay Fund
Land
City Wide Greenway Trail Projects

\$3,750,000

SECTION 4: That the Chief Financial Officer is hereby authorized to transfer appropriations from the General Government Capital Outlay Fund 1C28 (General Government Capital Outlay Fund) 792001 (Reserve Designated) T31X04109991 (Administrative Development Recoupment Fees) in the amount of \$3,750,000.00.

SECTION 5: That the 2007 General Government Capital Outlay Budget, Department of Planning and Community Development is hereby amended as follows:

INCREASE ANTICIPATIONS

1C28
697201
Y63F060392BG

General Government Capital Outlay Fund
DRF- Parks North
City Wide Greenway Trail Project

\$3,750,000

INCREASE APPROPRIATIONS

1C28
771001
Y63F060392BG

General Government Capital Outlay Fund
Land
City Wide Greenway Trails Project

\$3,750,000

SECTION 6: The City's Purchase Price plus the City's Due Diligence, Purchase Services and Development Costs shall be paid from 1C28 (General Government Capital Outlay Fund) 571001 (Land) Y63F060392BG (City Wide Greenway Trail Project) in an amount not to exceed three million seven hundred fifty thousand dollars (\$3,750,000.00).

SECTION 7: The City is authorized to enter into an MOU with BHNP for the maintenance of the property and to negotiate and enter into a Lease Agreement with the Tenant in accordance with the terms and conditions as set forth in the attached Exhibit "B".

SECTION 8: Revenue received from the lease agreement will be deposited into Fund, Account, and Center number: 1C53 (2005A Park Improvement Bond Fund) 462201 (Building Rentals, General) N12D11B69999 (Ground and Site Improvement City Wide).

SECTION 9: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs is hereby charged with all responsibility for the Property.

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SECTION 11: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 12: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

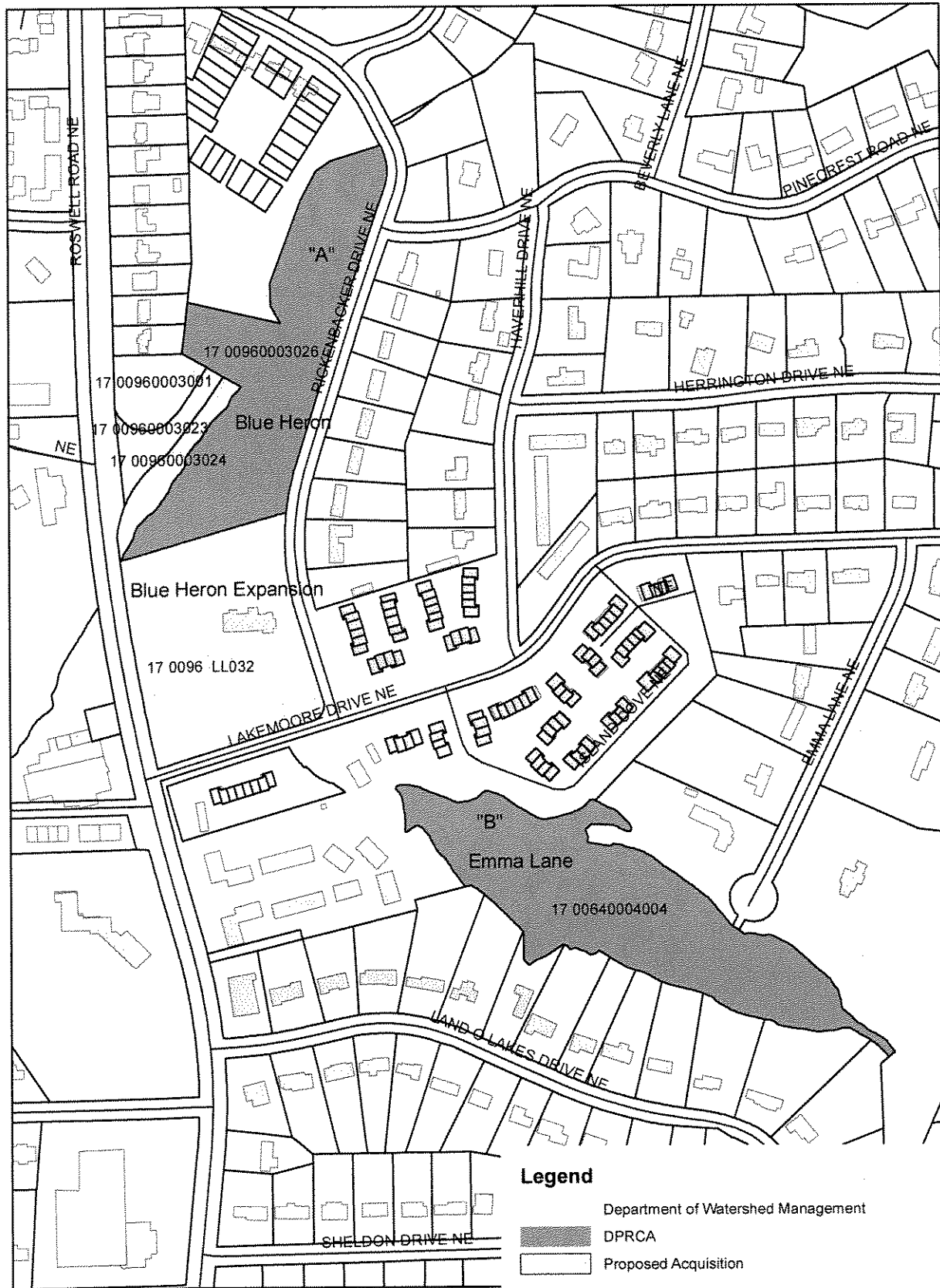
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Exhibit A

Blue Heron Nature Preserve Expansion - 4055 Roswell Road



450 225 0 450 Feet

Parks Design, 06/06/07

EXHIBIT B

TERMS OF LEASE AGREEMENT

1. LANDLORD: Purchaser
2. TENANT: Buckhead Pond, LLC
4055 Roswell Road, NE
Atlanta, GA 30342
3. PROPERTY ADDRESS: 4055 Roswell Road, NE Atlanta, GA 30342
4. PROPERTY: 10,800 rentable sq ft, plus common areas
5. TERM: From closing until December 31, 2007. At the Tenant's option, Tenant may extend its term for two successive 90 day options: the second option will be of no effect if Tenant fails to exercise its first option. Notice of elections must be provided 45 days prior to the commencement of each option period.
6. RENT: \$19.00 per rentable sq ft, net or \$205,000 per annum or \$17,200 per month.
7. PERMITTED USES: Single tenant, general office space
8. LIABILITY INSURANCE: commercial general \$1,000,000; umbrella \$5,000,000; accident \$1,000,000; automobile liability \$1,000,000
9. TRIPLE NET: Landlord bears no expenses
10. TENANT TO REMOVE ALL DEBRIS AND PERSONAL PROPERTY PRIOR TO VACATING PROPERTY
11. ENVIRONMENT: Tenant may create no environmental issues and indemnifies landlord against such issues

RCS# 1435
9/17/07
1:51 PM

Atlanta City Council

SPECIAL SESSION

CONSENT II

REFER

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 4

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	B Martin	Y Norwood
NV Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT II

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR, PURCHASE AND DEVELOP, APPROXIMATELY 4.86 ACRES OF PROPERTY LOCATED AT 4055 ROSWELL ROAD, N.W., ATLANTA, GEORGIA ("BLUE HERON EXPANSION 4055 ROSWELL ROAD PROPERTY"), FROM THE CONSERVATION FUND ("TCF"), IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES, DEMOLITION AND DEVELOPMENT COSTS SHALL BE PAID FROM THE GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 571001 (LAND) Y63F060392BG (CITY WIDE GREENWAY TRAIL PROJECTS); AMENDING THE 2007 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000.00); AMENDING THE MOU WITH THE BLUE HERON NATURE PRESERVE; AND FOR OTHER PURPOSES.

Council Meeting Date: October 1, 2007

Requesting Dept.: Parks, Recreation, and Cultural Affairs

The purpose of this legislation is to request approval to acquire approximately 4.9 acres of land located at 4055 Roswell Road from The Conservation Fund for the expansion of the adjacent Blue Heron Nature Preserve and to authorize an amended MOU with the non-profit organization called the Blue Heron Nature Preserve to maintain the property at no cost to the City.

2. Please provide background information regarding this legislation.

The non-profit organization, the Georgia Land Trust, is donating to the City the approximately 7.2 acre property known as the Blue Heron Nature Preserve (separate Ordinance scheduled for Council approval 9/17/07.) The North Buckhead Civic Association identified the proposed property as an extraordinary opportunity to create a nearly 14 acre contiguous nature preserve in Buckhead which, in concert with the City's existing nearby Emma Lane wetland area will provide an expanse of over 22 acres of natural preserve. The non-profit entity, Blue Heron Nature Preserve, will manage the entire area through an MOU with the City. The Conservation Fund has agreed to sell the 4.9 acre tract at 4055 Roswell Road to the City at a price not to exceed Fair Market Value.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center: The City's Purchase Price plus the City's Due Diligence, Purchase Services and Development Costs shall be paid from 1C28 (General Government Capital Outlay Fund) 771001 (Land) Y63F060392BG (City Wide Greenway Trail Projects) in an amount not to exceed three million seven hundred fifty thousand dollars (\$3,750,000.00).

5. Source of Funds:

6. Fiscal Impact: This legislation will result in a reduction in an amount not to exceed \$3,750,000.00 to Fund Account Center Number 1C28 (General Government Capital Outlay Fund) 771001 (Land) Y63F060392BG (City Wide Greenway Trail Projects) .

7. Method of Cost Recovery: None.

This Legislative Request Form Was Prepared By: Ellen Wickersham, Atlanta Development Authority, Debra F. Harris, M.A., Departmental Contracting Officer/Legislative Liaison-DPRCA and Mrs. Chantell Glen-Wilson-Department of Planning and Community Development.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Parks, Recreation, and Cultural Affairs

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: August 24, 2007

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Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: Dianne Hurrell Cohen

Chief Procurement Officer Signature: _____

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Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 8.27.07 DP Reviewed by: 8.31.07 gm
(date) (date)

Submitted to Council: _____
(date)